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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/556,002

11/08/2005

Holger R. Scholl

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08/19/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

ALLEN, NICHOLAS E

ART UNIT

PAPER NUMBER

2167

MAIL DATE

DELIVERY MODE

08/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/556,002	<b>Applicant(s)</b> SCHOLL ET AL.	
	<b>Examiner</b> NICHOLAS E. ALLEN	<b>Art Unit</b> 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05/13/08.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/13/08 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Remarks**

1. In response to Applicant's Amendment filed on May 18, 2008, claims 1-12 are now pending for examination in the application.

Applicant's amendment has overcome the previous objections regarding the drawings.

Applicant's amendment has overcome the previous 35 U.S.C. 101 regarding claims 1-9.

- Applicant's amendment has overcome the previous 35 U.S.C. 112 regarding claims 1 and 11.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 11, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they

a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Beattie et al. (U.S. Patent No. 5659742).

As to claim 1, Beattie et al. teaches receiving a search request (SA), said request comprises at least one representation-describing feature (d1) (exemplary source types, See Column 16 Lines 59-66 and Column 17 Lines 6-10) distinct from content-describing features (, query, See Column 12 Lines 17-26);

comparing at least one feature (i1, d1, d1, d12) of the search request with at least one feature of selectable media objects to establish degrees of correspondence (UG) between the search request (SA) and the selectable media objects (relevance ranking, See Beattie et al. Column 13 Lines 34-51; wherein “in order” should be removed); and

organizing (search result list, See Beattie et al. Column 13 Lines 51-62) and presenting a search result based on the degrees of correspondence (UG) (generations of the relevance ordered search result list, See Column 14 Lines 1-4).

As to claim 2, Beattie et al. discloses the method as claimed in claim 1, characterized in that the search result is sorted on the basis of the degrees of correspondence (UG) (ordering, See Beattie et al. Column 13 Lines 51-62).

As to claim 3, Beattie et al. discloses the method as claimed in claim 1, characterized in that, in order to establish the degrees of correspondence, at least one representation-describing feature (d1) is resolved into representation-describing detailed features (d11, d12) (Steps 142d and 142e, See Beattie et al. Fig. 6B and Column 23 Lines 46-61; wherein “in order” is interpreted to be intended use. It is suggested that it should be removed. See MPEP 2106.01 II.C)

As to claim 4, Beattie et al. discloses the method as claimed in claim 1, characterized in that at least one representation-describing feature (d1) of the search request is extracted from a user input (Step 202, See Beattie et al. Fig. 2 and Column 12 Lines 17-27).

As to claim 6, Beattie et al. discloses the method as claimed in claim 1, characterized in that at least one representation-describing feature (d1) is explicitly described by the user input (Step 202, See Beattie et al. Fig. 2 and Column 12 Lines 17-27).

As to claim 7, Beattie et al. discloses the method as claimed in claim 1, characterized in that representation-describing features (d1) are extracted from at least some of the selectable

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media objects (preferred embodiment, See Beattie et al. Column 17 Lines 61-67 and Column 18 Lines 1-2).

As to claim 8, Beattie et al. discloses the method, characterized in that at least some of the selectable media objects are stored, with associated representation-describing features (d1) in a memory facility (SPE1, SPE2, . . . SPEm) (data center 110, See Beattie et al. Column 8 Lines 53-56 and Column 9 Lines 15-22).

As to claim 9, Beattie et al. discloses the method as claimed in claim 1, characterized in that the search request (SA) comprises at least one content-describing feature (i1, i2) (subject selecting window, See Beattie et al. Fig. 4a and Column 17 Lines 39-44).

As to claim 10, Beattie et al. discloses the method, characterized in that initially, in order to determine degrees of correspondence for selection (AUG) between a search request (SA) and the available media objects (MO1, MO2 . . . MOn), at least one content-describing feature (i1, i2) of the search request (SA) is compared with at least one feature of the available media objects (MO1, MO2, . . . MOn), and that the selectable media objects are selected from the available media objects as a function of the degrees of correspondence for selection (AUG) (See Beattie et al. Column 13 Lines 34-45).

As to claim 11, Beattie et al. discloses a system (SS) of searching for media objects, with

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- a media interface (MS) for access to selectable media objects, (See Beattie et al. Fig. 4a and Column 8 Lines 58-59; wherein “for” is interpreted to be intended use and should be replaced with “to”. See MPEP 2106.01 II.C)
- a request interface (AS) for receiving a search request from a user, (See Beattie et al. Fig. 4a and Column 8 Lines 58-59 ; wherein “in such a way” and “in order” is interpreted to be intended use. It is suggested that it should be removed. See MPEP 2106.01 II.C)
- a comparison device (VE) set up in such a way that, in order to determine degrees of correspondence (UG) between the search request (SA) and selectable media objects, at least one feature of the search request is compared with at least one feature of the selectable media objects, wherein the search request (SA) comprises at least one representation-describing feature (query server, See Beattie et al. Column 10 Lines 24-31; wherein in order should be deleted), and
- an organizational device (OE) set up in such a way that a search result based on the degrees of correspondence is organized (session server 114, See Beattie et al. Column 10 Lines 24-31).

As to claim 12, Beattie et al. discloses the system (SS) as claimed in claim 11 with an inputting device (EE) for converting a user input into a search request comprising at least one representation-describing feature (PC 104, See Beattie et al. Column 12 Lines 15-19; wherein “for” is interpreted to be intended use and should be replaced with “to”. See MPEP 2106.01 II.C).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al. (U.S. Patent No. 5659742) in view of Nolting (U.S. Patent No. 6718308).

3. The above method teaches all the limitations of claim 4. With respect to independent claim 5, Beattie et al. does not disclose the use of an acoustic device that extracts a feature of the search request from the user's input.

However, Nolting teaches the use of an acoustic device that extracts a feature of the search request from the user's input [using an audio device including a voice recognition module that extracts a feature (i.e. keywords) from a user's input (i.e. utterances), See Nolting Fig. 1 and Column 4 Lines 37-54].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Beattie et al. to include an audio input device with a voice recognition module to extract a feature pertaining to search request by means of voice analysis as taught by Nolting. This would have allowed to user to create search queries hands free and would reduce errors and time lost caused by typing.

### ***Response to Arguments***

Applicant's arguments filed 05/13/08 have been fully considered but they are not persuasive.



In response to Applicant's argument that, "Beattie et al. does not teach or suggest "said search request comprises at least one representation-describing feature distinct from content-describing features," is deemed not persuasive.

Applicant's specification describes representation-describing features, which may also be referred to as representation-specific attributes or perception features, hereby relates to all features that describe the representation of a media object on Page 1 Paragraph 11. Applicant's specification further describes the term content describing feature refers to features that describe the content of a media object, i.e. features that generally form the search requests for conventional search engines on Page 3 Paragraph 28.

Beattie et al. teaches source types shown in box 349 may be selected by the user in order to focus a query search on a subset of documents in database 118 associated with one or more source types selected by the user at Column 17 Lines 6-10 and Fig. 4A. These source types are distinct and representative of these files as they do not have anything to do with the content in them. Therefore the rejection is maintained

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS E. ALLEN whose telephone number is (571)270-3562. The examiner can normally be reached on Monday through Thursday 830-630.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. E. A./  
Examiner, Art Unit 2169  
8/19/2008

/James K. Trujillo/  
Supervisory Patent Examiner, Art Unit  
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